

STEVEN G. KALAR  
Federal Public Defender  
GRAHAM ARCHER  
Assistant Federal Public Defender  
55 S. Market Street, Suite 820  
San Jose, CA 95113  
Telephone: (408) 291-7753  
Graham\_Archer@fd.org  
Counsel for Defendant, DOUGLAS STORMS YORK

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,	)	No. CR 15-00226 BLF
	)	
Plaintiff,	)	DEFENDANT'S MOTION <i>IN LIMINE</i> NO.
	)	<u>3</u> TO PRODUCE GRAND JURY
	)	TRANSCRIPTS
vs.	)	
	)	Pretrial Conference: July 16, 2015
	)	Time: 2:00 p.m.
	)	
DOUGLAS STORMS YORK,	)	Trial Date: July 20, 2015
	)	
Defendant.	)	
_____	)	<b>Honorable Beth Labson Freeman</b>

Defendant Douglas Storms York, by and through his counsel, submits the following motion in limine in conformity with the Court's pretrial order and Local Rule 47-2. This motion is based upon the attached memorandum of points and authorities, all files and records in this case, and any further evidence as may be adduced at the hearing on this motion. Mr. York reserves the right to supplement this motion during the course of trial as needed.

\\

\\

1 **ARGUMENT**

2 **I. The Court Should Order Production of Grand Jury Transcripts**

3 The Court should order production of grand jury transcripts if a witness who likely will  
4 testify at the trial of Mr. York also is likely to have testified before the grand jury. Dennis v. United  
5 States, 384 U.S. 855 (1966); Fed. R. Crim. Proc. 26.2(f)(3). The defense requests that the  
6 government make such transcripts available in advance of trial to facilitate the orderly presentation  
7 of evidence and to remove any need for recess in the proceedings for defense counsel to examine  
8 the statements pursuant to Federal Rule of Criminal Procedure 26.2(d).

9  
10 **CONCLUSION**

11 For the foregoing reasons, and for such other reasons as may appear at the hearing on this  
12 motion, Mr. York respectfully requests that the Court grant this motion, and accord such other relief  
13 as this Court deems just. Mr. York requests leave to file further motions as may be necessary.

14  
15 Dated: July 2, 2015

Respectfully submitted,

16  
17 STEVEN G. KALAR  
Federal Public Defender

18  
19 s/  
GRAHAM ARCHER  
Assistant Federal Public Defender